

PATENT**REMARKS**

The Examiner has rejected claims 1, 5-12, 16-18 and 22-30 under section 102(b) as being unpatentable over Jung (US 6049719), and rejected claims 2-3, 13-14, 31-32 under section 103(a) as being unpatentable over Jung in view of Hunzinger (US Publ. 200220172192), and allowed claims 4, 15, 19-21 and 33 if rewritten in independent form to include the limitation of the base claim and any intervening claims.

Applicant has amended claims 1, 3, 10, 14, 18, 27 and 32, and cancelled without prejudice claims 2, 13, 19 and 31.

In rejecting claim 2, the Examiner notes Jung fails to disclose the transmission parameter comprises a frame size, and more particularly setting the frame size to a first value when entering soft handoff and to a second value if leaving soft handoff. Examiner relies on Hunzinger for what Jung fails to disclose in rejecting claim 2, while citing paragraphs 0018, 0058-0059 and 0109 of Hunzinger. Applicants have reviewed the cited portions of Hunzinger, and do not agree with Examiner, for which Hunzinger fails to disclose "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

Paragraph 0018 of Hunzinger discusses breaking up a channel into time slots, where the duration of the time slots may be selected. There is no disclosure or suggestion that "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

Paragraphs 0058-0059 of Hunzinger discusses possible different MAR (i.e. maximum number of retransmissions) values be assigned across a range of possible data rates. There is no disclosure or suggestion that "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

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Paragraph 0109 of Hunzinger discusses applying various frame sizes across a range of possible data rates. There is no disclosure or suggestion that "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

Therefore, Hunzinger does provide support for "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size." As such, the Examiner has erroneously relied upon Hunzinger for "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size."

The independent claims 1, 10, 18 and 27 are amended to include in essence "if the mobile station is directed to enter soft handoff, the frame size is set to a first size and wherein if the mobile station is directed to leave soft handoff, the frame size is set to a second size." Therefore, claims 1, 10, 18 and 27 are in an allowable form. All other dependent claims are also in allowable form.

As such, the Applicant request allowance of the application with the amended claims.

PATENT**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted.

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